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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Letter dated 20 March 2000 from the Chargé d'affaires a.i. of the
Permanent Mission of the Federal Republic of Yugoslavia to the
United Nations Office at Geneva addressed to the Chairperson of
the Commission on Human Rights

I have the honour to transmit, enclosed herewith^{*} a document entitled "Position paper of the Government of the FR of Yugoslavia concerning elections and future political status of Kosovo and Metohija". I would like to ask you to have it issued as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(signed) Branko Brankovic
Ambassador
Chargé d'affaires a.i.

* The annex is reproduced as received, in the language of submission only.

POSITION PAPER OF THE GOVERNMENT OF THE FR OF
YUGOSLAVIA CONCERNING ELECTIONS AND FUTURE POLITICAL
STATUS OF KOSOVO AND METOHIJA

I

Recently, at several international meetings (G-8 in Berlin, 8-9 March 2000, the trilateral EU-US-Russia meeting in Lisbon, 3 March 2000), initiatives were launched to hold local elections in Kosovo and Metohija under international supervision, by the end of the year.

It is an indisputable fact that free, democratic and fair elections can be held only if necessary conditions are created and if UN SC resolution 1244 (1999) is fully respected.

The FR of Yugoslavia resolutely rejects any attempt at advocating or holding elections in the Province until all necessary conditions have been created - above all, firm peace and stability, in accordance with UN SC resolution 1244 (1999).

This implies:

- the respect of the sovereignty and territorial integrity of the FR of Yugoslavia and its legal order, in accordance with the clear provisions of UN SC resolution 1244 (1999) and its related documents;
- unimpeded and safe return of all expelled Serbs and other non-Albanian population;
- full personal and property security of all citizens of Kosovo and Metohija;
- preservation of the multi-ethnic and multi-confessional character of the Province;
- agreeing the fundamental parameters of a political settlement for Kosovo and Metohija with the Government of the FR of Yugoslavia, as well as organization and conduct of elections in accordance with the existing legislation of the Republic of Serbia and the FR of Yugoslavia.

The respect of the sovereignty and territorial integrity, as well as of the legal order of the FR of Yugoslavia implies that civil registration in Kosovo and Metohija for the purpose of elections be made on the basis of the existing legislation and with direct and active participation of the Republic of Serbia and the FR of Yugoslavia.

It is necessary to establish the kind of institutions the elections will be held for, local or provincial, and that they be based on the existing legislation of the Republic of Serbia and the FR of Yugoslavia. Civil registration, i.e. voter registration, also has to be based on the regulations of the FR of Yugoslavia and be carried out by

its competent authorities and not by the "Interim Administration", whose political mandate is time-limited.

To be legitimate, the elections have to be based on the constitutional-legal system of the Republic of Serbia and of the FR of Yugoslavia. If these preconditions were not ensured, the elections would be unconstitutional, which would enable the Province to continue with the process of separation from the Republic of Serbia and the FR of Yugoslavia, contrary to UN SC resolution 1244 (1999).

In conditions of continued terror and final stages of the ethnic cleansing of Serbs and other non-Albanian population in the Province, the lack of conditions for a return of more than 350,000 expelled persons and an illegal presence of several hundred thousand foreign nationals in Kosovo and Metohija, it is evident that not even basic preconditions exist for civil registration in the context of the preparations for elections. Ignoring the above facts and insistence by the OSCE and UNMIK on the registration in the prevailing conditions, represent an attempt to impose the policy of *fait accompli*, to legalize the results of ethnic cleansing and further destabilize the Province in line with the separatist aspirations of Albanian extremists. Verbal insistence on the alleged need to prepare well for the elections and the need for all refugee and expelled Serbs and non-Albanians to take part in them, is an obvious attempt to make these tendencies legitimate.

The FR of Yugoslavia and the Republic of Serbia cannot be a cover or a front to legalize the activities contrary to UN SC resolution 1244 (1999). Therefore, the activities concerning civil registration in the Province, not carried out on the basis of the laws of the FR of Yugoslavia and the Republic of Serbia, cannot be considered legally or binding.

II

Ever since the onset of the crisis in Kosovo and Metohija, provoked by the escalation of Albanian terrorism and separatism, the FR of Yugoslavia advocated a political solution, on the basis of substantial autonomy within the Republic of Serbia and the FR of Yugoslavia and guaranteeing full equality of all citizens and ethnic communities living there. Only a solution representing an outcome of a democratic political dialogue between the competent authorities of the Republic of Serbia and the FR of Yugoslavia with the representatives of all ethnic communities in the Province, is legitimate and acceptable for the FR of Yugoslavia.

Manipulating the UN Security Council in order to make it verify the "elements" of a future political status of the Province, in whose formulation the competent authorities of the FR of Yugoslavia and the Republic of Serbia would not take direct part, would represent the most flagrant violation of the sovereignty and territorial integrity of the FR of Yugoslavia. "Success" of such a scenario would only enable KFOR and UNMIK, above all, B. Kouchner, to legitimize all their illegal acts and decisions and provide covert support to Albanian separatism.

Operative paragraph 10 of the Resolution, as well as para 5, Annex II of the Resolution, set precise limits for the "Interim UN Administration" in Kosovo and Metohija concerning "substantial autonomy". This implies that the Security Council authorized the UN Secretary-General, i.e. his Special Representative, to establish an "interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy". In doing so, the Security Council did not or could not, under the Charter of the United Nations, vest the administration of a sovereign power with the Secretary-General, i.e. his Special Representative. Therefore, the Secretary-General, i.e. his Special Representative do not have authority to establish a formal and legal framework for the future status of the Province. It can be done only by the competent State authorities of the FR of Yugoslavia and of the Republic of Serbia, whose integral part Kosovo and Metohija is, in accordance with the procedure set by the laws of the FR of Yugoslavia and the Republic of Serbia.

With the chaos and lawlessness prevailing in the Province and in a situation when it is practically ethnically cleansed of Serbs and other non-Albanian population, there are not even the minimum conditions to embark upon a democratic political dialogue between the official representatives of the FR of Yugoslavia and the Republic of Serbia with legally elected representatives of all ethnic communities in the Province on the parameters of "substantial autonomy" as a final political solution, on the basis of UN SC resolution 1244 (1999).

Any attempt at imposing a solution for a future status of the Province, regardless of international factors concerned, would represent a gross violation of the key provisions of UN SC resolution 1244 (1999) and its related documents, as well as of the fundamental principles of the UN Charter, OSCE Helsinki Final Act, etc. Such attempts would further destabilize the situation in Kosovo and Metohija and provide direct support to Albanian separatists and terrorists in their attempts to fulfil their separatist goals.

The Security Council has an obligation to prevent any attempt to violate UN SC resolution 1244 (1999) and its related documents, particularly those flagrantly violating the sovereignty and territorial integrity of the FR of Yugoslavia. The FR of Yugoslavia will not recognize any acts implying the violation of its sovereignty and territorial integrity nor will they have any legal effect for it.

The FR of Yugoslavia insists on the consistent implementation of UN SC resolution 1244 (1999) and its related documents, as the only guarantee of a lasting and stable peace not only in the Province but in the broader region, as well and expects full support of all UN Member States for its legitimate demands in connection with the protection of its sovereign rights and integrity of its State territory.

Belgrade, 17 March 2000
